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May 20, 2025

VIA ECF

Magistrate Judge Vera M. Scanlon
U.S. District Court for the Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Roosevelt Road Re, Ltd. et al. v. Wingate, Russotti, Shapiro, Moses & Halperin, LLP et al.*, Case No. 1:24-cv-06259-NCM-VMS

Dear Judge Scanlon:

The undersigned Defendants write in response to the May 20, 2025 letter submitted by Plaintiffs Roosevelt Road Re, Ltd. and Tradesman Program Managers, LLC (“Plaintiffs”) requesting that the Court set an initial conference so that discovery can begin. For the reasons stated below, Defendants oppose Plaintiffs’ request.

First, this Court previously adjourned the initial conference *sine die* on the grounds that there were then “several pending requests for a pre-motion conference and possible motions to dismiss.” *See* Dec. 6, 2024 Order. In December, the Court ordered the parties to file a letter request for an initial conference with this Court “within seven days of a resolution of the proposed motions, should the case continue in this Court.” *Id.* Today, the justification for the Court’s Order remains: all defendants are still moving to dismiss the complaint here. Just last week, Judge Merle set a briefing schedule on Defendants’ forthcoming motions to dismiss. *See* May 14, 2025 Minute Entry.

Second, Plaintiffs’ request for an initial conference and discovery is particularly bold, given both the tenor and outcome of last week’s pre-motion conference before Judge Merle—the details of which their letter noticeably excludes. During the conference, Judge Merle questioned Plaintiffs on how they plan on defeating Defendants’ arguments for dismissal based on Plaintiffs’ lack of statutory standing under RICO¹—an endeavor she stated appeared to be a “steep climb”

¹ Defendants contend that Plaintiffs’ alleged damages (reimbursement and expenses to primary insurers) are too remote to establish RICO standing under Supreme Court precedent *Hemi Grp., LLC v. City of New York, N.Y.*, 559 U.S. 1, 2 (2010), which provides that a RICO plaintiff must establish its injury was proximately caused by Defendants’ conduct and “the general tendency of the law, in regard to damages at least, is not to go beyond the first step.” This is one of many dispositive arguments Defendants have raised in their pre-motion letters.

based on her review of the pre-motion letters. *See* May 14, 2025 Pre-Mot. Conf. Tr.² Apparently sensing the Court’s skepticism, Plaintiffs then requested permission to file a second amended complaint (i.e. their third bite at the apple). Under the current schedule, Plaintiffs have until May 23, 2025 to file a Second Amended Complaint. Thus, not only does Plaintiffs’ request for discovery follow Judge Merle’s (very) recently expressed skepticism of their ability to succeed on their claims, but they make their request before they have even filed an amended complaint.

Finally, contrary to Plaintiff’s assertion, and as evidenced by this Court’s December order, the Court can adjourn an initial conference and stay discovery as it wishes, without a formal motion from a party. *See, e.g., In re Subpoena Issued to Dennis Friedman*, 350 F.3d 65, 69 (2d Cir. 2003) (“[T]he federal rules give district courts broad discretion to manage the manner in which discovery proceeds.”). Nevertheless, Defendants respectfully request an opportunity to move for a stay, should the Court deem a formal motion necessary. This case is just one of many civil RICO lawsuits in this District wherein Plaintiffs and their counsel vaguely assert that law firms, their clients, and various medical professionals—36 defendants in total here—are operating a RICO enterprise involving fraudulent workman’s compensation claims and state court personal injury lawsuits. *See* First Amended Complaint ¶¶ 49–89. Defendants can establish that “good cause” to stay discovery exists here: (1) Defendants’ pre-motion letters make a strong showing that Plaintiffs’ claims are unmeritorious on even the most foundational elements of their claims, such as RICO standing; (2) discovery will be burdensome given the number of defendants (36) and the complicated privilege issues attendant to taking discovery from several law firms and lawyers regarding ongoing litigation; and (3) Plaintiffs will not be unfairly prejudiced by any delay—indeed, the issues will almost certainly be narrowed (if not dismissed entirely) by a resolution of the forthcoming motions to dismiss. *See, e.g., Alapaha View Ltd. v. Prodigy Network, LLC*, No. 20-CV-7572, 2021 WL 1893316, at *2 (S.D.N.Y. May 10, 2021) (granting a stay where these three factors are satisfied).

Defendants thank the Court for its attention and consideration.

Dated: May 20, 2025
New York, New York

Respectfully submitted,

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² Defendants have requested a transcript of the May 14, 2025 Pre-Motion Conference on an expedited basis and will file it with this Court as soon as they receive it, which they anticipate will be by close of business on May 21, 2025.

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